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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,766	08/14/2003	Glenn Ballman	001-190	1765
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FURR LAW FIRM 2622 DEBOLT ROAD UTICA, OH 43080			EXAMINER GREGG-RANGEL, MARY M	
			ART UNIT 3609	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/604,766

Applicant(s)

BALLMAN, GLENN

Examiner

Mary M. Gregg

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☒ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 08/14/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

MMG

DETAILED ACTION

1. Claims 1-23 have been examined

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-4 are rejected under 35 U.S.C. 101 because the claimed invention is directed to the non-statutory subject matter.

4. Claim 1 is directed to a "Market Order Book" that displays data, non-functional descriptive material per se (i.e. display rights holder). According to MPEP (2106.01), nonfunctional descriptive material is nonstatutory and should be rejected under 35 U.S.C. 101.

5. Claims 2-4 are also rejected as they also encompass language describes non-functional descriptive material, i.e. string data is not statutory.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

7. Claims 5, 12-14, 21 and 23 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as invention.

8. In reference to Claim 5:

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Claim 5, recites the limitation "said data" in line 3. There is insufficient antecedent basis for this limitation in the claim.

9. In reference to Claim 12:

Claim 12 recites the limitation "said system" in line 2. There is insufficient antecedent basis for this limitation in the claim.

10. In reference to Claim 13:

Claim 13, and 14 recites the limitation "said system" in line 2. There is insufficient antecedent basis for this limitation in the claim.

11. In reference to Claim 14:

Claim 14 recites the limitation "said system" in line 2. There is insufficient antecedent basis for this limitation in the claim.

12. In reference to Claim 21:

Claim 21 recites the limitation "said information" in line 4. There is insufficient antecedent basis for this limitation in the claim.

13. In reference to Claim 23:

Claim 23 recites the limitation "said rights holder" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

15. Claims 21 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Lawrence et al. (Lawrence) U.S. Pub. No. 20020138417 A1.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S. C. 102(e) might be overcome either by showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CRF 1.131.

In reference to Claim 21:

A securities reporting system comprising: having flagging means which is flagged if trade record meet a certain criteria, and having said system will sending said information to a regulatory body(Lawrence 0035, 0061 (alerts) 0020, 0032, 0063).

In reference to Claim 23:

A system, as claimed in claim 21 further comprising" where said rights holder is verified through a verification means (Lawrence 0039, 0041, 0045, 0051, 0056, 0092).

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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17. Claims 1-10, 11-20, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ascher et al. (Ascher) U.S. Pub. No. 20040088242 A1 and further in view of Lawrence et al. (Lawrence) U.S. Pub. No. 20020138417 A1.

In reference to Claim 1 and 11:

Claim 1: A market order book that displays the rights of the security being traded (Ascher (para) 13 lines 7-10, (para) 0014 lines 5-7, lines 31-33, (para) 0016 lines 13-14, 22-25, (para)0030 lines 9-14, (para) 0034 lines 1-5, (para) 0052 lines 2-6.

Claim 11: Having a market order book, and displaying the rights holder of the security being traded (Ascher (para) 13 lines 7-10, (para) 0014 lines 5-7, lines 31-33, (para) 0016 lines 13-14, 22-25, (para)0030 lines 9-14, (para) 0034 lines 1-5, (para) 0052 lines 2-6.

Ascher teaches explicitly "In accordance with the invention, a screen-based electronic system is provided for trading futures commodity contracts between remote trading terminals, including a trading host connected to the remote terminals through a network, a consolidated order book for storing bids and offers from the remote terminals" ((para) 0013 lines 4-8). Ascher teaches as well "orders have associated therewith predetermined trading data, such as a member identification, both for the originating member and the counterparty...customer identification; whether the order is to buy or sell..." ((para) 0030 lines 1-15).

However, Asher does not teach explicitly displaying the "rights holder".

Lawrence teaches:

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"information on an individual who is a party to a transaction" ((para) 0033 lines 3-4 and Lawrence also teaches explicitly " identity of an **account holder and an account's beneficial owner**" ((para) 0057 lines 10 – 17).

Therefore it would be obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Ascher et al. and Lawrence et al. to allow the user to ascertain and verify the identity of the rights holders as in Lawrence because Lawrence offers the advantage of managing risk associated with regulation ((para) 0014, 0017, 0020) including identification for protection from fraud as a supplement to the auditing feature of the regulatory authority of Ascher.

18. In reference to Claim 2 and 12:

Claim 2: A system according to claim 1 in which said system is a data processing system (Ascher (para) 0063 lines 14-18).

Claim 12: A method according to claim 11 in which includes having said system being a data processing system (Ascher (para) 0063 lines 14-18).

19. In reference to Claims 3 and 13:

Claim 3: A system according to claim 2 in which said system is processed in a client server system (Ascher (para) 0063 lines 14-18).

Claim 13: A method according to claim 12 in which includes having said system being processed in a client server system (Ascher (para) 0063 lines 14-18)

20. In reference to Claims 4 and 14:

Claim 4: A system according to claim 2 in which said system is connected to through the Internet (Ascher (para) 0024 lines 5-7).

Claim 14: A method according to claim 12 in which includes having said system being connected to through the Internet (Ascher (para) 0024 lines 5-7).

21. In reference to Claims 5, 15 and 22:

Claim 5: A system according to claim 2, further comprising: (a) computer processor means for processing data; (b) storage means for storing said data on a storage medium; (c) communication means for transmitting data in a secure environment to and from various remote locations; and (d) computer software means for creating and displaying trade data concerning a particular trade in the form of a trade record (Ascher (para) 0024 lines 5-7, (para) 0025 lines 1-6, (para) 0028 lines 4-11).

Claim 15: A method according to claim 12, further comprising: (a) having a computer processor means for processing data; (b) having a storage means for storing said data on a storage medium; (c) having a communication means for transmitting data in a secure environment to and from various remote locations; and (d) having a computer software means for creating and displaying trade data concerning a particular trade in the form of a trade record (Ascher (para) 0024 lines 5-7, (para) 0025 lines 1-6, (para) 0028 lines 4-11).

Claim 22: A system according to claim 21, further comprising: (a) having a computer processor means for processing data; (b) having a storage means for storing said data on a storage medium; (c) having a communication means for transmitting data in a secure environment to and from various remote locations; and (d) having a computer software means for creating and displaying trade data

concerning a particular trade in the form of a trade record (Lawrence (para) 0067, Ascher (para) 0024 lines 5-7, (para) 0025 lines 1-6, (para) 0028 lines 4-11).

22. In reference to Claims 6 and 16:

Claim 6: A system, as claimed in claim 5 wherein said computer software means further comprises: means for inputting and storing system information on said storage means (Ascher FIG. 2, (para) 0025 lines 4-6).

Claim 16: A method, as claimed in claim 15 which includes having means for inputting and storing system information on said storage means (Ascher FIG. 2, (para) 0025 lines 4-6)

23. In reference to Claims 7 and 17:

Claim 7: A system, as claimed in claim 5 further comprising: means for monitoring the modification of trade data in respective trade records, which are created by, said computer software means (Ascher (para) 0016, (para) 0025 lines 4-6).

Claim 17: A method, as claimed in claim 15 further comprising: having means for monitoring the modification of trade data in respective trade records which are created by said computer software means (Ascher (para) 0016, (para) 0025 lines 4-6).

24. In reference to Claims 8 and 18:

Claim 8: A system, as claimed in claim 8 further comprising" a flagging means which is flagged if trade record meet a certain criteria (Lawrence (para) 0060, 0064, 0094).

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Ascher does not teach:

Flagging a trade record

Lawrence does teach:

"ongoing monitoring can result in an alarm or other alert being sent to one or more appropriate users (para 0094) and "alert a subscriber" (para 0061, 0060)

Note that Lawrence uses the term "alarm and alert", in computer jargon these terms with respect to software are synonymous to the term "flag" which is the inventors' preference. The examiner is examining claim 8 as being dependent upon claim 7 not claim 8 for the purposes of examination.

Additionally, Ascher does teach of regulators ((para) 0010), "third party regulators performs audit trail compliance monitoring on executed trades" ((para) 0016 lines 28-29). Whereas, Lawrence teaches: "managing risk associated with government regulation" (abstract) and "facilitating the identification, investigation... and regulatory risks" ((para) 2) as well as the concerns of regulators with fraud ((para) 0003).

Therefore it would be obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Ascher et al. and Lawrence et al. to allow the user to ascertain and verify the identity of the rights holders as in Lawrence because Lawrence offers the advantage of managing risk associated with regulation ((para) 0014, 0017, 0020) including identification for protection from fraud as a supplement to the auditing feature of the regulatory authority of Ascher.

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Claim 18: A method, as claimed in claim 17 further comprising" having a flagging means which is flagged if trade record meet a certain criteria (Lawrence (para) 0060, 0064, 0094).

Ascher does not teach:

Flagging a trade record

Lawrence does teach:

"ongoing monitoring can result in an alarm or other alert being sent to one or more appropriate users (para 0094) and "alert a subscriber" (para 0061, 0060)

Note that Lawrence uses the term "alarm and alert", in computer jargon these terms with respect to software are synonymous to the term "flag" which is the inventers' preference. Additionally, Ascher does teach of regulators ((para) 0010), "third party regulators performs audit trail compliance monitoring on executed trades" ((para) 0016 lines 28-29). Whereas Lawrence teaches: "managing risk associated with government regulation" (abstract) and "facilitating the identification, investigation... and regulatory risks" ((para) 2) as well as the concerns of regulators with fraud ((para) 0003).

Lawrence also teaches of regulatory reporting obligations, signifying a need for Ascher to have a system or method of noting certain criteria required for audit-trail and compliance monitoring on executed trades and to send such required information to required regulatory bodies (Ascher (para) 0044, Lawrence ((para)0003, lines 3-11.

Therefore it would be obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Ascher et al. and Lawrence et al. to allow the user to ascertain and verify the identity of the rights holders as in Lawrence because

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Lawrence offers the advantage of managing risk associated with regulation ((para) 0014, 0017, 0020) including identification for protection from fraud as a supplement to the auditing feature of the regulatory authority of Ascher.

25. In reference to Claims 9 and 19:

Ascher does not teach:

“flagging means ... information to a regulatory body”.

However Lawrence teaches:

Flagging means ... information to a regulatory body as shown below.

Claim 9: A system, as claimed in claim 8 further comprising" when said flagging means is flagged then said system will send said information to a regulatory body (Lawrence (para) 0035, 0061). The examiner is examining claim 9 as be dependent upon claim 7 not claim 8 for the purposes of examination.

Claim 19: A method, as claimed in claim 17 further comprising" flagging said flagging means and having said system sending said information to a regulatory body (Lawrence (para) 0035, 0061).

Lawrence teaches:

“Government regulation authorize a broad regime of record-keeping and regulatory reporting” ((para) 0003, lines 6-7) and “an alert list in order to facilitate compliance with regulatory requirements” ((para) 0032). Lawrence also teaches “ that new information uncovered...by alert query...subscriber can be notified... Appropriate action can be taken” ((para) 0060). It would have been obvious to one of ordinary skill in the art at the time of the invention to have sent the information to the regulatory body as in

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Lawrence in order to stay in compliance with Government and Securities regulation, which both Ascher and Lawrence teach are required.

26. In reference to Claims 10 and 20:

Claim 10: A system, as claimed in claim 1 further comprising" where said rights holder is verified through a verification means (Lawrence (para) 0038, 0041, 0042, 0045, 0051, 0056, 0092).

Claim 20: A method, as claimed in claim 11 further comprising" verifying said rights holder through a verification means (Lawrence (para) 0038, 0041, 0042, 0045, 0051, 0056, 0092).

Ascher teaches:

Explicitly the desire to identify the parties involved in a transaction ((para) 0030 lines 1-15).

Ascher does not teach:

Verification

Lawrence teaches:

Several ways to verify institutions, countries, individuals, etc...((Lawrence (para) Lawrence 0038, 0041, 0042, 0045, 0051, 0056, 0073, 0092).

It would be obvious to one of ordinary skill in the art at the time of the invention that an identity of parties would need verification as Lawrence teaches, in order to protect from fraudulent transactions.

Claim Objections

27. Claim 1, 11 objected to because of the following informalities:

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In reference to Claim 1:

Lines 2-3, "the rights holder" and "the security" lack antecedent basis.

Appropriate correction is required.

In reference to Claim 11:

Line 3, "the rights holder" and "the security" lack antecedent basis.

Appropriate correction is required.

In reference to Claims 4 and 14:

Claim 14 objected to because of the following informalities: the term "to through" is improperly stated.

Appropriate correction is required.

In reference to Claim 8 and 9:

28. Claim 8 objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 8 is dependent upon itself, for examination purpose the examiner has examined Claim 8 dependent upon Claim 7.

Appropriate correction is required.

Specification

29. The disclosure is objected to because, the use of the trademark SUPER DOT, COMPUSEVE, PRODIGY, AMERICAN ONLINE, MICORSOFT INTERNET EXPLORER, NETSCATPE NAVIGATOR, LYNX, MOSAIC, WINDOWS 95, (p 0007,

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0008, 0009, 0010), and LINUX (p 0059, 0060, 0063) has been noted in this application.

A trademark should be capitalized wherever it appears and be accompanied by the generic terminology. Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner, which might adversely affect their validity as trademarks. Capitalize each letter of the word in the bracket or include a proper trademark symbol, such as TM or © following the word.

Appropriate correction is required.

30. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code in paragraphs 0035 and 0044. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Appropriate correction is required.

31. The disclosure is objected to because of the following informalities: In paragraph 0055 the term "market" is misspelled.

Appropriate correction is required.

Conclusion

32. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nieboer is cited as a relevant reference for teaching identifying the issuer (buyer or seller) and providing an option for research. An additional reference given by Lawrence was also cited for teaching using an alert when criteria for fraud occurs, reporting to regulatory bodies and identifying using additional methods

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and protocol for verification of information.

33. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary M. Gregg whose telephone number is (571) 270-5050. The examiner can normally be reached on Monday thru Friday-8: 30am-5: 30pm EST.

34. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ken Bombeck can be reached on (571) 272-4922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

35. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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KENNETH BOMBERG
SUPERVISORY PATENT EXAMINER